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10/511,963

10/19/2004

Jun Iijima

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EXAMINER

MEYERS, JAMES A

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,963

Applicant(s)

IIJIMA, JUN

Examiner

James A. Meyers

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-9, 15-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 15-17 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the amendment dated June 19, 2007. Claims 4-5, 10-14 and 18 have been cancelled. Claims 1-3, 6-9, 15-17 and 19-23 are pending and have been considered below.

Drawings

1. Based on the amendment dated June 19, 2007, all objections to the drawings have been withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20: The Examiner considers the phrase "together with" indistinct. One of ordinary skill would not understand what Applicant is claiming as the invention. The claim will be examined as reading "...a control unit which stops playback control of the moving image when the designated time position is reached."

Art Unit: 2622

Claim 21: The Examiner considers the phrase "which shifts to a new photography" unclear. One of ordinary skill would not understand what Applicant is claiming as the invention. The claim will be examined as reading "...a photographing control unit which shifts to a new mode of photography based on the designation...."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6-9, 15-17 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashi (JP 11-339446) in view of Aki et al. (JP 10-191248).

Claims 1, 7 and 15: Takashi discloses a method, device and medium for editing images comprising designating an arbitrary time position in moving image data (page 18, paragraphs 141-148) and overwriting newly photographed image data at the arbitrary time position in the moving image data when the time position is designated (page 18, paragraphs 141-148). Takashi does not disclose displaying the designated time position in correspondence with a bar of the moving image data, or that the newly photographed image data can be inserted instead of overwritten. Aki discloses displaying the designated time position in correspondence with a bar of the moving image (figure 1). Therefore it would have been obvious to one having ordinary skill in

Art Unit: 2622

the art at the time of invention that the method of Takashi could also represent the moving image data with a bar. One would have been motivated to do so to give the user a better visual representation of their location in the moving image data before inserting the newly photographed image. Aki also discloses that newly photographed images can be inserted instead of overwriting previous image data (page 7, paragraph 38). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention that the method of Takashi could insert the new images instead of overwriting. One would have been motivated to do so to ensure that no old image data was lost.

Claims 2, 8 and 16: Takashi and Aki disclose a method, device and medium as in Claims 1, 7 and 15 above, and Aki further discloses that the designating comprises designating a plurality of arbitrary time positions (page 7, paragraphs 38-40).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention that multiple times could be designated in the method, device and medium of Takashi. One would have been motivated to do so to more rapidly insert the new data without needing to stop repeatedly to designate new time positions after a previous insertion.

Claims 3, 9 and 17: Takashi and Aki disclose a method, device and medium as in Claims 1, 7 and 15 above, and Aki further discloses that the designating comprises designating a plurality of arbitrary time positions and a photographing order (page 7,

Art Unit: 2622

paragraphs 38-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention that multiple times could be designated in a predetermined order in the method, device and medium of Takashi. One would have been motivated to do so to more rapidly insert the new data without needing to stop repeatedly to designate new time positions after a previous insertion. Aki also discloses inserting the new images at the respective time positions of the movie according to the order designated (page 7, paragraphs 38-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention that new images could be inserted at the respective time positions instead of overwritten, as taught by Takashi. One would have been motivated to do so to ensure that no original image data was lost.

Claim 19: Takashi and Aki disclose a device as in Claim 1 above, and Takashi further discloses a playback control unit which plays back and controls the moving image data (page 18, paragraphs 141-148) and that the designation unit designates the time position with respect to the moving image data played back and controlled by the playback control unit (page 18, paragraphs 141-148).

Claim 20: Takashi and Aki disclose a device as in Claim 19 above, and Aki further discloses a control unit which stops playback control of the moving image data together with the designation of the time position (page 7, paragraph 38). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention that such a unit could also be present in the device of Takashi. One would have been

Art Unit: 2622

motivated to add such a unit to the device of Takashi to allow the user to prepare to photograph the new images before the photographing occurs, rather than starting the new photographing immediately.

Claim 21: Takashi and Aki disclose a device as in Claim 1 above, and Takashi further discloses a photographing control unit which shifts to a new mode of photography based on the designation of the time position (page 18, paragraph 141).

Claim 6: Takashi and Aki disclose a device as in Claim 21 above, and Takashi further discloses that the image data obtained by the new photography is one of moving image data and still image data (figure 11).

Claim 22: Takashi and Aki disclose a device as in Claim 1 above, and Takashi further discloses that the image data is moving image data (figure 11). While Takashi only discloses that the image data overwrites the previous image data, Aki discloses that new images can be inserted into the old data (page 7, paragraphs 38-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention that moving image data could be inserted with the device of Takashi. One would have been motivated to do so to produce a cut sequence, well known in the movie editing art.

Claim 23: Takashi and Aki disclose a device as in Claim 1 above, and but do not disclose that the new image data is still image data. However, it would have been

Art Unit: 2622

obvious to one having ordinary skill in the art at the time of invention that both still and movie data could be used in the device of Takashi. One would have been motivated to do so to essentially freeze an image in the movie without hitting pause, allowing a viewer additional time before resuming the movie. While Takashi only discloses that the image data overwrites the previous image data, Aki discloses that new images can be inserted into the old data (page 7, paragraphs 38-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time of intention that still image data could be inserted with the device of Takashi. One would have been motivated to do so to produce a freeze frame, well known in the movie editing art.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2622

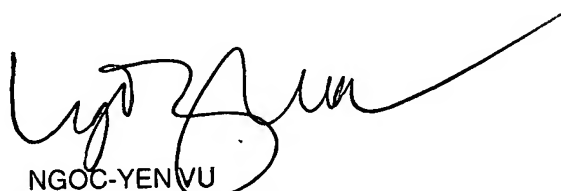
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Meyers whose telephone number is (571) 270-1690. The examiner can normally be reached on Mon-Thurs 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8/28/2007
JM



NGOC-YEN VU
SUPERVISORY PATENT EXAMINER